Joint Permit Application

This is a joint application, and must be sent to both agencies, who administer separate permit programs. Alternative forms of permit applications may be acceptable; contact the Corps and DSL for more information.

RECEIVED
AUG 21 2014
Date Stamp
BY:

U.S. Army Corps of Engineers Portland District	Oregon Department of State Lands
Corps Action ID Number	DSL Number

(1) APPLICANT AND LANDOWNER CONTACT INFORMATION

	Applicant	Property Owner (if different)	Authorized Agent (if applicable) ☑ Consultant ☐ Contractor
Contact Name	Don Gerhardt/Hamid Madjidi		Larry Steckman
Business Name	Kinder Morgan Liquid		Norwest Engineering
Mailing Address 1	Wilbridge Terminal		4110 NE 122nd Ave Suite#207
Mailing Address 2	5800 NW St. Helens Rd		Portland, Oregon 97230
City, State, Zip	Portland, Oregon 97230		
Business Phone	7145604920		503-254-0110
Cell Phone	3106348537		360-450-9228
Fax			503-256-1239
Email	Don_Gerhardt@ Kindermorgan.com		lsteckman@ Norwestengineering.com

(2) PROJECT INFORMATION

A. Provide the project location.

Project Name	Tax Lot #	Latitude & Longitude*
KM Wilbridge Pile Permit	TL# (Tax Map #2423)	45.568045N / 122.737944W
KM Linnton Pile Permit	TL#200 (Tax Map #1918)	45.604298N / 122.785911W
Project Address / Location	**City (nearest)**	**County**
5800 NW St. Helens Rd	Wilbridge, Oregon	Multinomah
11400 NW St. Helens Rd	Linnton, Oregon	Multinomah

Township	Range	Section	Quarter/Quarter
T1N	R1E	S18	SW1/4
T1N	R1W	S3	NE1/4 of NE1/4

Brief Directions to the Site
Take Hwy 30 North through Linnton turn right at 112th Avenue at the Kinder Morgan Energy Sign. Call ahead to schedule any site inspections with the terminal manager. This site requires a TWIK Card access..

B. What types of waterbodies or wetlands are present in your project area? (Check all that apply.)

☑ River / Stream ☐ Non-Tidal Wetland ☐ Lake / Reservoir / Pond
☐ Estuary or Tidal Wetland ☐ Other ☐ Pacific Ocean

Waterbody or Wetland Name**	River Mile	6th Field HUC Name	6th Field HUC (12 digits)
Willamette River	7.5		
Willamette River	4.2		

C. Indicate the project category. (Check all that apply.)

☐ Commercial Development ☐ Industrial Development ☐ Residential Development

(2) PROJECT INFORMATION

☐ Institutional Development	☐ Agricultural	☐ Recreational
☐ Transportation	☐ Restoration	☐ Bank Stabilization
☐ Dredging	☐ Utility lines	☐ Survey or Sampling
☑ In- or Over-Water Structure	☑ Maintenance	☐ Other:

* In decimal format (e.g., 44.9399, -123.0283)
** If there is no official name for the wetland or waterway, create a unique name (such as "Wetland 1" or "Tributary A").

(3) PROJECT PURPOSE AND NEED

Kinder Morgan Wilbridge/LinntonTerminals collectively operates fueling storage facilities located in Portland, Oregon along the Willamette River. These terminals have historically maintained and been approved for maintenance piling permits as well as dredging permits. Active dredging, pile replacement and dolphin installation has occurred as recent as 2013.

Kinder Morgan is permitting for maintenance work at the Wilbridge & Linnton Dock Terminals at RM 7.5 & 4.2 respectively in the Willamette River, consisting of the removal/replacement of 12, 16, and 24 inch creosote wood piles with steel piles. There are broken piles and industry wear a tear resulting from shipping delivery activity we anticipate replacement of 100 piles at each location (Wilbridge & Linnton Fuel Terminal). Dock planking, bull rail, and stair work will also be included however these are all located above ordinary high water.

Kinder Morgan is permitting work on the Linnton Dock Terminal at RM 4.2 in the Willamette River, to include the replacement of an up-stream mooring dolphin that has been damaged. The foot print of the dolphin will remain the same and wood piles will be replaced with steel piles. This permit will also include the replacement of a wood creosol pipe rack with steel.

(4) DESCRIPTION OF RESOURCES IN PROJECT AREA

DESCRIPTION OF RESOURCES IN PROJECT AREA The Willamette River is used for navigation on a daily basis moving cargo and products through the entire Willamette River system. Recreational fishing is more common toward the upper Willamette River, near Oregon City and near the mouth where the Willamette River connects with the Columbia River. Recreational watercraft includes sail boats, power boats, tour boats, commercial sternwheeler, and jet boats running tours of the river system.

(4) DESCRIPTION OF RESOURCES IN PROJECT AREA

(5) PROJECT SPECIFIC CRITERIA AND ALTERNATIVES ANALYSIS

Describe project-specific criteria necessary to achieve the project purpose. Describe alternative sites and project designs that were considered to avoid or minimize impacts to the waterway or wetland.

As identified in OAR 141-085-0025 (j) requires fill will exceed 250 cubic yards in non-essential salmon habitat to undergo an alternative analysis. OAR 141-085-0010 (76) defines fill as inclusive of pilings. The cumulative project total is 100 to 380 cubic yards however, the lower Willamette River is considered essential salmon habitat therefore; an alternative analysis is required for the fender piling replacement project. No alternative sites were available; however, alternative for replacement of the damaged piling were considered which are identified in two parts (Part I. Dolphin Installation, and Part II. 100 Pile installation at Wilbridge & Linnton Fuel Terminals:

Part 1. Dolphin Installation (Linnton, Oregon)

Alternative A. Installation of 8 24-inch piles with a concrete cap and mooring cleat with a benthic substrate impact of 32 square feet (100 cubic yards). Dolphin includes installation of two 12-inch piles to support the temporary form structure and template (2 cubic yards).

Rationale: The reason Alternative A was selected is because this met the goal and objectives of the overall project. Alternative A is the preferred alternative for this project.

Alternative B. Install a cluster of untreated wood 18-inch fender piling (50). Total benthic disturbance at the substrate level is 75 square feet (380 cubic yards).

Rationale: The reason alternative B was not selected is based on meeting the long-term project goal of meeting the structural enhancement goals. Alternative B's pile type and size impact is approximately 75 square feet (380 cubic yards) which increases the benthic disturbance by 234%.

Alternative C. The do-nothing alternative was ruled out from any further analysis.

Rationale: The reason alternative C was not selected is by doing nothing and leaving the entire site vacant, intact, and undisturbed, although this did not serve the goals of this fender piling repalcement project. No further consideration was given to Alternative C.

Alternative A was chosen over Alternatives B and C. No further consideration was given to Alternatives B or C.

Part II. 100 Pile Installation at Wilbridge & Linnton Fuel Terminals 12, 16, and 24 inch creosote wood piles with steel piles:

Alternative A. 100 Pile installation at Wilbridge and 100 pile replacement at Linnton using the largest pile size 24-inch. 200 24-inch piles will have a benthic disturbance of 800 square feet and 1,240 cubic yards of encasement of substrate.

Rationale: The reason Alternative A was selected is because this met the goal and objectives of the overall project. Alternative A is the preferred alternative for this project.

Alternative B. 100 Pile installation at Wilbridge and 100 pile replacement at Linnton using the largest pile size 36-inch. 200 36-inch piles will have a benthic disturbance of 1,800 square feet and 1,860 cubic yards of

(5) PROJECT SPECIFIC CRITERIA AND ALTERNATIVES ANALYSIS

encasement of substrate.

Rationale: The reason alternative B was not selected is based on meeting the long-term project goal of meeting the structural enhancement goals. Alternative B's pile type and size impact is approximately 1,800 square feet (1,860 cubic yards) which increases the benthic disturbance by 225%. Structural loads would have been supported with smaller piles size meeting the 24-inch diameter requirement.

Alternative C. The do-nothing alternative was ruled out from any further analysis.

Rationale: The reason alternative C was not selected is by doing nothing and leaving the entire site vacant, intact, and undisturbed, although this did not serve the goals of this fender piling repalcement project. No further consideration was given to Alternative C.

Alternative A was chosen over Alternatives B and C. No further consideration was given to Alternatives B or C.

(6) PROJECT DESCRIPTION

Briefly summarize the overall project including work in areas both in and outside of waters or wetlands

Kinder Morgan is permitting for maintenance work at the Wilbridge Dock Terminal at RM 7.5 in the Willamette River, consisting of the replacement of 12, 16, and 24 inch creosote wood piles with steel piles. There are broken piles and industry wear a tear resulting from shipping delivery activity. Dock planking, bull rail, and stair work will also be included.

Kinder Morgan is permitting work on the Linnton Dock Terminal at RM 4.2 in the Willamette River, to replace an up-stream mooring dolphin that has been damaged. The foot print of the dolphin will remain the same and wood piles will be replaced with steel piles. The dolphin design is 17 feet long and 13 feet wide with a mooring cleat located in the center of the dolphin. Concrete cap is four feet thick with 24-inch piles embedded in the concrete 1 foot 6 inches, cross-welded with no. 6 rebar throughout the concrete. Piles will be filled with concrete and be embedded 30 feet into the substrate. Four 24-inch pile will be installed or driven plum, two piles (24-inch) will be installed at a lateral batter 4:12, and two installed at a reverse batter of 4:12 towards the shoreline. We anticipate two 12-inch pile will support the temporary driving template ¾-inch steel plate dolphin form 17 feet by 13 feet. This permit will also include the replacement of a wood creosol pipe rack with steel. The foot print will also not be changed. The replacement of 12, 16, and 24 inch wood creosote, with steel piles, that are broken piles due to industry wear and tear resulting from shipping delivery activity. Dock planking, bull rail, and stair work will also be included.

(6) PROJECT DESCRIPTION

B. Describe work within waters and wetlands.

Summer In-water Work Period (July 1st- October 31st) The Willamette River minimum discharge of 4,200 ft3/s occurred on July 10, 1978 (USGS 14211720 Willamette River). Average flows in the summer are 8,300 ft3/s. The creosote treated woodpiles being removed will be contained on the contractor barge and taken to an approved upland disposal facility located outside of any jurisdictional wetland area. Most likely the removed fender piles would become the exclusive property of the waterfront contractor for disposal.

C. Construction Methods. Describe how the removal and/or fill activities will be accomplished to minimize impacts to waters and wetlands.

Piling Removal and Installation Methods
Wood Fender Pile Removal (Nonstructural) for KM Linnton Dock The untreated wood fender piling would be unbolted from the decking, with the broken portion craned into a service barge. The lower portion of each fender piling normally snaps at or near the water line; to remove these a vibratory hammer attaches to the untreated wood and takes three to five minutes to remove from the substrate. This removal method would be completed from a waterborne barge-mounted crane with 30- inch spuds to stabilize the working platform. After the pile is removed, the vibratory hammer will reinstall a 16-inch untreated wood piling in the same location, embedding the pile to a tip elevation of -14 feet CRD. The vibratory hammer would be used first, until a refusal is reached or when the pile no longer penetrates the substrate.

Vibratory Hammer Method: The piling (12, 16, 24-inch round steel) will be installed with a vibratory hammer. A vibratory hammer is a steel apparatus with a set of jaws that clamp onto the pile. The hammer vibrates the pile into the mud through a combination of weight of the unit and vibration of the sediment. The time required to vibrate a pile can vary greatly with substrate conditions.

Impact Hammer Method: The 12, 16, 24-inch steel piling will be installed with an impact hammer. An impact hammer installs piling by striking them from above, driving them into the sediment with the downward force of the hammer on top of the pile.

Pile Driving BMPs Piling Removal and Installation BMPs / Minimization Methods
The following BMPs will be utilized during removal and installation of the piling. During pile installation a bubble curtain would be installed to minimize any potential disturbances to resident or migratory ESA-listed fish by reducing or eliminating sound pressure levels.

No detailed erosion control plan or stormwater plan is necessary or work place isolation plan because of water depth and river flow patterns; however, the following project BMPs apply:

- The contractor shall be responsible for the preparation of a Spill Prevention Containment and Countermeasure Plan (SPCC) is used for the duration of the project. The SPCC shall be submitted to Kinder Morgan before any construction activities begin. A copy of the SPCC with any project-related updates will be maintained at the work site by the contractor (2010 and 2011).

- The SPCC shall identify construction planning elements and recognize potential spill sources at the site. The SPCC shall outline responsive actions in the event of a spill or release and shall identify notification, reporting procedures, personnel responsibilities, site security, site inspections, and spill-prevention training in accordance with 40 CFR Part 112. The contractor shall maintain, at the job site, the applicable equipment and material designated in the SPCC.

- The SPCC will outline what measures the contractor will take to prevent the release or spread of hazardous materials, either found on-site or encountered during construction but not identified in contract documents, or any hazardous materials that the contractor stores, uses, or generates on the

construction site during construction activities. These items include, but are not limited to, gasoline, oils, and chemicals.

- Only use a vibratory hammer (APE 100) to install and remove all untreated wood and steel pilings first. Use impact hammer as needed, to drive the wood and steel piles to refusal if hard substrate is encountered but minimize use to the maximum extent practicable.

- Equipment shall be checked daily, before starting work, for leaks; any necessary repairs shall be completed before commencing any work. If there is a release, the containment of the release fluid takes priority over the in-water work.

- The contractor will be required to retrieve any floating debris generated during construction using a skiff and a net. The debris will be disposed of upland.

- Excess or waste materials will not be disposed of or abandoned waterward of ordinary high water (OHW) or allowed to enter waters of the state.

- All in-water work will be completed from July 1 to October 31, during the summer in-water work period for the Lower Willamette River (2015, 2016, 2017, 2018, and 2019).

- Kinder Morgan will implement a water quality monitoring program to sample at three elevations within the water column (top, middle, and bottom) and provide the data summary report to the U.S. Army Corps of Engineers and NOAA Fisheries annually.

- Project will avoid all spawning areas for adult salmon and steelhead.

- The slow start method will be implemented to allow and Salmonids and/or other resident fish the opportunity to leave the area before a prolonged threat is present.

- Minimize the size, type, and number of steel piling installed (Alternatives Analysis).

Staging Areas and Access Route
All equipment will be brought into the work area by the Willamette River federal navigation channel and be staged in front of the terminal while the work is completed for two consecutive weeks.

Piling Removal and Installation BMP's
Excerpt from SLOPES IV In-water Over-water Structures General Construction April 5, 2012

- Stored, fueled and maintained in a vehicle staging area placed 150 feet or more from any water body, or in an isolated hard zone such as a paved parking lot. Inspected daily for fluid leaks before leaving the vehicle staging area for operation within 50 feet of any water body. Steam-cleaned before operation below ordinary high water, and as often as necessary during operation to remain free of all external oil, grease, mud, seeds, organisms and other visible contaminants. Generators, cranes and any other stationary equipment operated within 150 feet of any water body will be maintained and protected as necessary to prevent leaks and spills from entering the water.

- All work within the active channel will be completed in accordance with the Oregon Guidelines for Timing of In-Water Work to Protect Fish and Wildlife resources (ODFW 2000, or the most recent version), except as follows:

- All in-water work in the Willamette River main stem between Willamette Falls and the confluence with the Columbia River must be completed between July 1 and October 31. All in-water work in the Columbia River main stem below Bonneville Dam, except pile driving, must be completed between November 1 and December 31. Pile driving in the Columbia River main stem below Bonneville Dam must be completed between October 1 and November 31. Hydraulic and topographic measurements

and encased geotechnical drilling may be completed at any time, if a fish biologist determines that no adult fish are congregating for spawning and no reds are occupied by eggs or pre-emergent alevins within 300 feet of the work site.

- Pilings may be concrete filled, steel round pile 24 inches in diameter or smaller, steel Hpile designated as HP24 or smaller. When practical, use a vibratory hammer for piling installation.

Pile driving with an impact hammer. When using an impact hammer to drive or proof steel piles, one of the following sound attenuation methods must be used: Completely isolate the pile from flowing water by dewatering the area around the pile. If water velocity is 1.6 feet per second or less, surround the piling being driven by a confined or unconfined bubble curtain (see NMFS and USFWS 2006, Wursig *et al.* 2000, and Longmuir and Lively 2001) that will distribute small air bubbles around 100% of the piling perimeter for the full depth of the water column. If water velocity is greater than 1.6 feet per second, surround the piling being driven by a confined bubble curtain (*e.g.*, a bubble ring surrounded by a fabric or non-metallic sleeve) that will distribute air bubbles around 100% of the piling perimeter for the full depth of the water column.

Pile removal. Use the following steps to minimize creosote release, sediment disturbance and sediment re-suspension: Install a floating surface boom to capture floating surface debris. Keep all equipment (*e.g.*, bucket, steel cable, vibratory hammer) out of the water, grip pile above the waterline, and complete all work during low water and low current conditions. Dislodge the piling with a vibratory hammer, when possible; never intentionally break a pile by twisting or bending. Slowly lift the pile from the sediment and through the water column. Place the pile in a containment basin on a barge deck, pier, or shoreline without attempting to clean or remove any adhering sediment – a containment basin for the removed piles and any adhering sediment may be constructed of durable plastic sheeting with sidewalls supported by hay bales or another support structure to contain all sediment and return flow which may otherwise be directed back to the waterway. Fill the holes left by each piling with clean, native sediments immediately upon removal. Dispose of all removed piles, floating surface debris, any sediment spilled on work surfaces, and all containment supplies at a permitted upland disposal site.

Broken or intractable piling. When a pile breaks or is intractable during removal, continue removal as follows: Make every attempt short of excavation to remove each piling, if a pile in uncontaminated sediment is intractable, breaks above the surface, or breaks below the surface, cut the pile or stump off at least 3 feet below the surface of the sediment. If dredging is likely where broken piles are buried, use a global positioning system (GPS) device to note the location of all broken piles for future use in site debris characterization.

Pesticide-treated wood removal. When it is necessary to remove pesticide-treated wood, the following conditions apply. Ensure that, to the extent possible, no wood debris falls into the water. If wood debris does fall into the water, remove it immediately. After removal, place wood debris in an appropriate dry storage site until it can be removed from the project area. Do not leave wood construction debris in the water or stacked on the stream bank at or below the ordinary high water. Evaluate wood construction debris removed during a project, including pesticide-treated wood pilings, to ensure proper disposal of debris.

D. Describe source of fill material and disposal locations if known.

We anticipate the creosote piles will be taken to an appropriate upland facility where they can be legally disposed. Pile for the dolphin will be filled full of concrete and encase sediment to a minimum refusal depth of 30 feet.

(6) PROJECT DESCRIPTION

E. Construction timeline.

What is the estimated project start date? July 1, 2015

What is the estimated project completion date?
October 2018

Is any of the work underway or already complete? ☐ Yes ☑ No
If yes, describe.

F. Fill Volumes and Dimensions (if more than 4 impact sites, include a summary table as an attachment)

Wetland / Waterbody Name *	Fill Dimensions					Duration of Impact**	Material***
	Length (ft.)	Width (ft.)	Depth (ft.)	Area (sq.ft. or ac.)	Volume (c.y.)		
Willamette River	120	2	30	34 sq. ft.	102	3 weeks	(8) 24-inch pile dolphin (2) 12-inch steel Pile
Willamette River	120	2	30	400 sq. ft.	620	4 weeks	(100) 24-inch pile dolphin – Linnton
Willamette River	120	2	30	400 sq. ft.	620	4 weeks	(100) 24-inch pile dolphin - Wilbridge

G. Total Fill Volumes and Dimensions

Fill Impacts to Waters	Length (ft.)	Area (sq. ft or ac.)	Volume (c.y.)
Total Fill to Wetlands	30	832 sq. ft.	1,274
Total Fill Below Ordinary High Water	30	832 sq. ft.	1,274
Total Fill Below Highest Measured Tide	30	832 sq. ft.	1,274
Total Fill Below High Tide Line	30	832 sq. ft.	1,274
Total Fill Below Mean High Water Tidal Elevation	30	832 sq. ft.	1,274

H. Removal Volumes and Dimensions (if more than 4 impact sites, include a summary table as an attachment)

Wetland / Waterbody Name*	Removal Dimensions					Duration of Impact**	Material***
	Length (ft.)	Width (ft.)	Depth (ft.)	Area (sq. ft. or ac.)	Volume (c.y.)		
Willamette River	120	2	30	32 sq. ft.	102	3 weeks	(8) 24-inch pile dolphin (2) 12-inch steel Pile
Willamette River	120	2	30	400 sq. ft.	620	4 weeks	(100) 24-inch pile dolphin - Linnton
Willamette River	120	2	30	400 sq. ft.	620	4 weeks	(100) 24-inch pile dolphin - Wilbridge

I. Total Removal Volumes and Dimensions

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Total Removal Below Highest Measured Tide	30	832 sq. ft.	1,274
Total Removal Below High Tide Line	30	832 sq. ft.	1,274
Total Removal Below Mean High Water Tidal Elevation	30	832 sq. ft.	1,274

* If there is no official name for the wetland or waterway, create a unique name (such as "Wetland 1" or "Tributary A").
** Indicate the days, months or years the fill or removal will remain. Enter "permanent" if applicable. For DSL, permanent removal or fill is defined as being in place for 24 months or longer.
*** Example: soil, gravel, wood, concrete, pilings, rock etc.

(7) ADDITIONAL INFORMATION

Are there any state or federally listed species on the project site?	☑ Yes	☐ No	☐ Unknown
Is the project site within designated or proposed critical habitat?	☑ Yes	☐ No	☐ Unknown
Is the project site within a national Wild and Scenic River?	☐ Yes	☑ No	☐ Unknown
Is the project site within the 100-year floodplain?	☐ Yes	☐ No	☐ Unknown

*** If yes to any of the above, explain in Block 4 and describe measures to minimize adverse effects to these resources in Block 5.**

Is the project site within the Territorial Sea Plan (TSP) Area?	☐ Yes	☑ No	☐ Unknown

*** If yes, attach TSP review as a separate document for DSL.**

Is the project site within a designated Marine Reserve?	☐ Yes	☑ No	☐ Unknown

*** If yes, certain additional DSL restrictions will apply.**

Will the overall project involve construction dewatering or ground disturbance of one acre or more?	☐ Yes	☑ No	☐ Unknown

*** If yes, you may need a 1200-C permit from the Oregon Department of Environmental Quality (DEQ).**

Is the fill or dredged material a carrier of contaminants from on-site or off- site spills?	☐ Yes	☑ No	☐ Unknown
Has the fill or dredged material been physically and/or chemically tested?	☐ Yes	☑ No	☐ Unknown

***If yes, explain in Block 4 and provide references to any physical/chemical testing report(s).**

Has a cultural resource (archaeological) survey been performed on the project area?	☐ Yes	☑ No	☐ Unknown

*** If yes, provide a copy of the survey with this application. Do not describe any resources in this document.**

Identify any other federal agency that is funding, authorizing or implementing the project.

Agency Name	Contact Name	Phone Number	Most Recent Date of Contact
U.S. Army Corps of Engineers (Portland District)	Michelle Lynch	541-962-0401	February / March 2014

List other certificates or approvals/denials required or received from other federal, state or local agencies for work described in this application. For example, certain activities that require a Corps permit also require 401 Water Quality Certification from Oregon DEQ.

Approving Agency	Certificate/ approval / denial description	Date Applied

Other DSL and/or Corps Actions Associated with this Site (Check all that apply.)

☐ Work proposed on or over lands owned by or leased from the Corps

☐ State owned waterway — DSL Waterway Lease #

☑ Other Corps or DSL Permits — Corps # NWP-2008-628 — DSL # 46813 RF

☐ Violation for Unauthorized Activity — Corps # — DSL #

☐ Wetland and Waters Delineation — Corps # — DSL #

- ☐ A wetland / waters delineation has been completed (if so, provide a copy with the application)
- ☐ The Corps has approved the wetland / waters delineation within the last 5 years
- ☐ DSL has approved the wetland / waters delineation within the last 5 years

(8) IMPACTS, RESTORATION/REHABILITATION, COMPENSATORY MITIGATION

Describe unavoidable environmental impacts that are likely to result from the proposed project. Include permanent, temporary, direct, and in Minor (under 1/16 yard) discharge if any from the pile removal or installation will enter the Willamette River. All fender and structural pilings would be removed with a vibratory hammer pile driver. Water quality monitoring will be maintained during the construction activities.. Kinder Morgan will adhere to the 2008 water quality performance standards as a condition for Section 401 of the Clean Water Act administered through Oregon Department of Environmental Quality. No disturbance to shoreline vegetation, wetlands, or riparian areas is expected.
This project is consistent with the comprehensive plan and land use regulations. This project, historically, is consistent with the comprehensive plan and land use regulations.

Description of the Willamette River at river near the site. The Willamette River near the project site is a mud/silt bottom with water depths reaching 30 to 50 feet. The channel shaped based on the Corps most recent hydrographic survey is oblong shaped. Near the shoreline the site is predominately a sandy substrate; within the actual work area, in water depths of 30 to 40 feet, the substrate is predominately silt and clay.
Fish and wildlife (type, abundance, period of use, significance of site) The Willamette River is home to threatened fish species including (Upper Willamette Spring-River Chinook Salmon (Abundance ~ 52,000 based on 2001 data), Upper Willamette River winter-run Steelhead (Abundance ~ 18,000 based on 2002 data); these were outlined in the Updated Status of Federally Listed ESUs for steelhead and salmon (June 2005). The entire Willamette River is federally designated critical habitat. Typically, juvenile and adult abundance is low in the summer and late winter (December and January) for spring-run chinook and winter-run steelhead. Birds such as osprey, crows, bald eagles, and great blue herons fly by the project site daily. These species may adversely be affected.

B. For temporary removal or fill or disturbance of vegetation in waterways, wetlands or riparian (i.e., streamside) areas, discuss how the site will be restored after construction.
No Disturbance associated with this project.

Compensatory Mitigation

C. Proposed mitigation approach. Check all that apply:

☐ Permittee-responsible Onsite Mitigation	☐ Permittee-responsible Offsite mitigation	☐ Mitigation Bank or in-lieu fee program	☐ Payment to Provide (not approved for use with Corps permits)

D. Provide a brief description of mitigation approach and the rationale for choosing that approach. If you believe mitigation should not be required, explain why.. No outside mitigation will be required. The permitee will be removing creosote wood piles and replacing with steel piles. The ratio of wood to steel is 2 to 1. No new shading is created and the foot print of the work will remain the same. No additional mitigation will be necessary.

(8) IMPACTS, RESTORATION/REHABILITATION, COMPENSATORY MITIGATION

Mitigation Bank / In-Lieu Fee Information:
Name of mitigation bank or in-lieu fee project:
Type of credits to be purchased: N/A

If you are proposing permittee-responsible mitigation, have you prepared a compensatory mitigation plan?
☐ Yes. Submit the plan with this application and complete the remainder of this section.
☐ No. A mitigation plan will need to be submitted (for DSL, this plan is required for a complete application).

Mitigation Location Information (Fill out only if permittee-responsible mitigation is proposed)

Mitigation Site Name/Legal Description	Mitigation Site Address	Tax Lot #

County	City	Latitude & Longitude (in DD.DDDD format)

Township	Range	Section	Quarter/Quarter

(9) ADJACENT PROPERTY OWNERS FOR PROJECT AND MITIGATION SITE		
☐ Pre-printed mailing labels of adjacent property owners attached	**Project Site Adjacent Property Owners**	**Mitigation Site Adjacent Property Owners**

Contact Name
Address 1
Address 2
City, ST ZIP Code

See Addendum

Contact Name
Address 1
Address 2
City, ST ZIP Code

Contact Name
Address 1
Address 2
City, ST ZIP Code

Contact Name
Address 1
Address 2
City, ST ZIP Code

Contact Name
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City, ST ZIP Code

Contact Name
Address 1
Address 2
City, ST ZIP Code

Contact Name
Address 1
Address 2
City, ST ZIP Code

Addendum

PROPERTY ID	SITE ADDRESS	OWNER	MAILING ADDRESS
R646359 R323828 R323829	11400 NW ST HELENS RD	GATX TANK STORAGE TERMINALS CO % FINANCIAL SVCS CENTER A/P KINDER MORGAN LINNTON TERMINAL	1100 TOWN AND COUNTRY RD ORANGE CA 92868
R632093	11426 NW ST HELENS RD	LAMAR ADVERTISING OF EUGENE	PO BOX 66338 BATON ROUGE LA 70896
R323842	11212 NW ST HELENS RD	DONNER OREGON LLC	2067 SEABROOK CT REDWOOD CITY CA 94065
R499025	11444 NW ST HELENS RD	OWENS CORNING ROOFING & ASPHALT LLC	1 OWENS CORNING PKWY TOLEDO OH 43659
R288327	11125 NW FRONT AVE	(b) (6)	6131 NW THOMPSON RD PORTLAND OR 97210-1056
R288323	10222 NW 112TH AVE	(b) (6)	HILLSBORO OR 97124
R288331	11142 NW ST HELENS RD	(b) (6)	11142 NW ST HELENS RD PORTLAND OR 97231-1044
R288325 R288326	11105 NW FRONT AVE	(b) (6)	6131 NW THOMPSON RD PORTLAND OR 97210-1056
R288330	11130 NW ST HELENS RD	(b) (6)	17469 SW ARBUTUS DR BEAVERTON OR 97007-7779
R288358	11033 NW FRONT AVE	LINNTON VENTURE PARTNERS LLC TO KLINE,HARRISON III	536 NE FAILING ST PORTLAND OR 97212-1137
R288357 R288356 R323830	10225 NW FRONT AVE	R K STORAGE & WAREHOUSING INC	10937 NW FRONT AVE PORTLAND OR 97231
R323827	11310 NW ST HELENS RD	(b) (6) ((b) (6)	PO BOX 711 DALLAS TX 75221-0711
R323836 R501628	11426 NW ST HELENS RD	(b) (6)	(b) (6) PORTLAND OR 97217-7998
R323844	11330 NW ST HELENS RD	JOE'S TEXACO INC	232 NE MIDDLEFIELD RD PORTLAND OR 97211
R323843 R323845	11324 NW ST HELENS RD	(b) (6)	2546 NE 45TH AVE PORTLAND OR 97213
R323838	11212 NW ST HELENS RD	DONNER OREGON LLC	2067 SEABROOK CT REDWOOD CITY CA 94065
R288328	10150 NW 112TH AVE	(b) (6)	(b) (6) PORTLAND OR 97231-1044

(10) CITY/COUNTY PLANNING DEPARTMENT LAND USE AFFIDAVIT (TO BE COMPLETED BY LOCAL PLANNING OFFICIAL)

I have reviewed the project described in this application and have determined that:

☐ This project is not regulated by the comprehensive plan and land use regulations.

☐ This project is consistent with the comprehensive plan and land use regulations.

☐ This project will be consistent with the comprehensive plan and land use regulations when the following local approval(s) are obtained:

- ☐ Conditional Use Approval
- ☐ Development Permit
- ☐ Other Permit (see comment section)

☐ This project is not consistent with the comprehensive plan. Consistency requires:

- ☐ Plan Amendment
- ☐ Zone Change
- ☐ Other Approval or Review (see comment section)

An application ☐ has ☐ has not been filed for local approvals checked above.

Local planning official name (print)	Title	City / County (circle one)

Signature	Date

Comments:

(11) COASTAL ZONE CERTIFICATION

If the proposed activity described in your permit application is within the Oregon coastal zone, the following certification is required before your application can be processed. A public notice will be issued with the certification statement, which will be forwarded to the Oregon Department of Land Conservation and Development (DLCD) for its concurrence or objection. For additional information on the Oregon Coastal Zone Management Program, contact DLCD at 635 Capitol Street NE, Suite 150, Salem, Oregon 97301 or call 503-373-0050.

CERTIFICATION STATEMENT

I certify that, to the best of my knowledge and belief, the proposed activity described in this application complies with the approved Oregon Coastal Zone Management Program and will be completed in a manner consistent with the program.

Print /Type Name	Title

Signature	Date

(12) SIGNATURES

Application is hereby made for the activities described herein. I certify that I am familiar with the information contained in the application, and, to the best of my knowledge and belief, this information is true, complete and accurate. I further certify that I possess the authority to undertake the proposed activities. By signing this application I consent to allow Corps or DSL staff to enter into the above-described property to inspect the project location and to determine compliance with an authorization, if granted. I hereby authorize the person identified in the authorized agent block below to act in my behalf as my agent in the processing of this application and to furnish supplemental information in support of this permit application. I understand that the granting of other permits by local, county, state or federal agencies does not release me from the requirement of obtaining the permits requested before commencing the project. I understand that payment of the required state processing fee does not guarantee permit issuance.
To be considered complete, the fee must accompany the application to DSL. The fee is not required for submittal of an application to the Corps.

Fee Amount Enclosed	$

Applicant Signature

Print Name HAMID MADJIDI	Title Director, Eng
Signature	Date Aug-19-2014

Authorized Agent Signature

Print Name Larry Steckman	Title Project Manager
Signature	Date 8-19-2014

Landowner Signature(s)

Landowner of the Project Site (if different from applicant)

Print Name	Title
Signature	Date

Landowner of the Mitigation Site (if different from applicant)

Print Name	Title
Signature	Date

Department of State Lands, Property Manager (to be completed by DSL)

If the project is located on state-owned submerged and submersible lands, DSL staff will obtain a signature from the Land Management Division of DSL. A signature by DSL for activities proposed on state-owned submerged/submersible lands only grants the applicant consent to apply for a removal-fill permit. A signature for activities on state-owned submerged and submersible lands grants no other authority, express or implied and a separate proprietary authorization may be required.

Print Name	Title
Signature	Date

(13) ATTACHMENTS

☐ **Drawings (items in bold are required)**
- ☑ **Location map with roads identified**
- ☑ **U.S.G.S topographic map**
- ☑ **Tax lot map**
- ☑ **Site plan(s)**
- ☑ **Cross section drawing(s)**
- ☑ **Recent aerial photo**
- ☐ Project photos
- ☐ Erosion and Pollution Control Plan(s), if applicable
- ☐ DSL/Corps Wetland Concurrence letter and map, if approved and applicable

☐ Pre-printed labels for adjacent property owners (Required if more than 5)

☐ Restoration plan or rehabilitation plan for temporary impacts

☐ Mitigation plan

☐ Wetland functional assessment and/or stream functional assessment

☑ Alternatives analysis

☐ Biological assessment (if requested by Corps project manager during pre-application coordination.)

☐ Stormwater management plan (may be required by the Corps or DEQ)

☐ Other:
- ☐
- ☐

Send Completed form to:

U.S. Army Corps of Engineers
ATTN: CENWP-OD-GP
PO Box 2946
Portland, OR 97208-2946
Phone: 503-808-4373

Counties:
Baker, Clackamas, Clatsop, Columbia, Gilliam, Grant, Hood River, Jefferson, Lincoln, Malheur, Marion, Morrow, Multnomah, Polk, Sherman, Tillamook, Umatilla, Union, Wallowa, Wasco, Washington, Wheeler, Yamhill

OR

U.S. Army Corps of Engineers
ATTN: CENWP-OD-GE
211 E. 7th AVE, Suite 105
Eugene, OR 97401-2722
Phone: 541-465-6868

Counties:
Benton, Coos, Crook, Curry, Deschutes, Douglas Jackson, Josephine, Harney, Klamath, Lake, Lane, Linn

Send Completed form to:

DSL - West of the Cascades:

Department of State Lands
775 Summer Street NE, Suite 100
Salem, OR 97301-1279
Phone: 503-986-5200

OR

DSL - East of the Cascades:

Department of State Lands
1645 NE Forbes Road, Suite 112
Bend, Oregon 97701
Phone: 541-388-6112

Send all Fees to:
Department of State Lands
775 Summer Street NE, Suite 100
Salem, OR 97301-1279
Pay by Credit Card by Calling 503-986-5253

INSTRUCTIONS FOR PREPARING THE JOINT APPLICATION

This is a joint application, and must be sent to both agencies, who administer separate permit processes. For more complete instructions, contact the Corps and/or DSL or refer to online resources:

- DSL's Removal-Fill Guide; or,
- The Corps' "Permitting 101" video: http://www.nwp.usace.army.mil/Missions/Regulatory.aspx

General Instructions and Tips

- Provide the information in the appropriate blocks of the application form. If you need more space, provide a summary in the space provided and attach additional detail as an appendix to the application.
- Not all items on the application form will apply to all projects.
- For most applications, binding and section dividers are not necessary and require additional handling.

The information requested on the form is necessary for the agencies to begin their review. For complex projects or for those that may have more than minimal impacts, additional information may be necessary to complete the evaluation and make a permit decision. Alternative forms of permit applications may be acceptable; contact the Corps and DSL for more information.

Section 1. Applicant and Landowner Contact information

Applicant: The applicant is the responsible party. If the applicant is an agency, business entity or other organization, indicate the name of the organization and a person that has the authority to sign the application.
Authorized Agent: An authorized agent is someone who has permission from the applicant to represent their interests and supply information to the agencies. An agent can be a consultant, an attorney, builder, contractor, or any other person or organization. An authorized agent is optional.
Landowner: Provide landowner information if different from the applicant. The landowner must also sign the application.

Section 2. Project Information

Provide location information. Latitude and longitude can be found by zooming in to your respective project location and reading off the coordinates displayed on the bottom of the map.
Provide information on wetlands and waterways within the project area. Indicate the category of activities that make up your project.

Section 3. Project Purpose and Need

Explain the purpose and need for the project. Also include a brief description of any related activities needed to accomplish the project objectives.

The following items are required by DSL, as applicable:

- If the removal-fill would satisfy a public need and the applicant is a public body, include any pertinent findings regarding public need and benefit.
- If the project involves fill in the estuary for a non-water dependent use, explain how the project is for public use and/or satisfies a public need.
- If the project is located within a marine reserve or marine protected area, explain how the project is needed to study, monitor, evaluate, enforce or protect the designated area.

Section 4. Description of Resources in Project Area

Territorial Sea: For activities in the Territorial Sea (mean lower low water seaward 3 nautical miles), provide a separate evaluation of the resources and effects determination.

For each wetland, include:

- Whether the wetland is freshwater or tidal, and the Cowardin class and Hydrogeomorphic (HGM) class.
- Source of hydrology and direction of flow (if any).
- Dominant plant species by layer (herb, shrub, tree).
- A functional assessment of the wetland to be impacted (for impacts greater than 0.2 acre, DSL requires use of ORWAP or HGM), should be attached as a separate document.
- Identify any vernal pools, bogs, fens, mature forested wetland, seasonal mudflats, or native wet prairies in or near the project area.
- Refer to wetland delineation report if available, and provide copies to agencies (if not previously provided).
- Describe existing uses, including fish and wildlife use (type, abundance, period of use, significance of site).

For rivers, streams, other waterways, lakes and ponds, include a description of, as applicable:

- Streamflow regime (e.g., perennial year-round flow, intermittent seasonal flow, ephemeral event-driven flow). If flow is ephemeral, provide streamflow assessment data sheet or other information that supports your determination.
- Field indicators used to identify the Ordinary High Water Mark (OHWM).
- Channel and bank conditions.
- Type and condition of riparian (streamside) vegetation.
- Channel morphology (structure and shape).
- Stream substrate.
- Assessment of the functional attributes including hydrologic, geomorphic, biological and chemical and nutrient related functions.
- Fish and wildlife (type, abundance, period of use, significance of site).

Section 5. Alternatives to Avoid and Minimize Impacts to Waters

Provide a brief explanation describing how impacts to waters and wetlands are being avoided and minimized on the project site. For DSL, the alternatives analysis must include:

- Project-specific criteria that are needed to accomplish the stated project purpose.
- A range of alternative sites and designs that were considered with less impact.
- An evaluation of each alternative site and design against the project criteria and a reason for why the alternative was not chosen.
- If the project involves fill in an estuary for a non-water dependent use, a description of Alternative non- estuarine sites must be included.

Section 6. Project Description

Overall Description. Provide a brief description of the overall project, including:

- All associated work with the project both outside and within waters or wetlands.
- Total ground disturbance for all associated work (i.e, area and volume of ground disturbance).
- Total area of impervious surfaces created or modified by the project, if applicable.

Work within Waters and Wetlands. Provide a description of the proposed work within waters and wetlands, including:

- Each removal or fill activity proposed in waters or wetlands, as well as any construction or maintenance of in-water or over-water structures.
- The number and dimensions of in-water or over-water structures (i.e., pilings, floating docks) proposed within waters or wetlands.

Fill Material and Disposal. Provide a description of fill material and procedure for disposal of removed material, including:

- The source(s) of fill materials (if known).
- Locations for disposal area(s) for dredged material, if applicable. If dredged material is to be discharged on an upland site, identify the site and the steps to be taken (if necessary) to prevent runoff from the dredged material back into a waterbody. If using an upland disposal area that is not a DEQ-regulated landfill, a Solid Waste Letter of Authorization or a Beneficial Use Determination from DEQ may be required.

Construction Methods. Describe how the removal and/or fill activities will be accomplished including the following:

- Construction methods, equipment to be used, access and staging areas, etc.
- Measures you will use during construction to minimize impacts to the waterway or wetland. Examples may include isolating work areas, controlling construction access and using specialized equipment or materials. Attach work area isolation and/or erosion and pollution control plans, if applicable.

Construction Timing. Provide the proposed start and completion date for the project. Describe project work that is already complete, if applicable.

Summary of removal and fill activities. Summarize the dimensions, volume and type/composition of material being placed or removed in each waterbody or wetland. Describe each impact on a separate row. For

instance, if two culverts are being removed from Clear Creek, use two rows. Add extra rows if needed, or include an attachment.

The DSL and the Corps use different elevations for determining whether an activity in tidal waters is regulated by the State's Removal-Fill law, the Clean Water Act, and/or the Rivers and Harbors Act. DSL regulates activities below the highest measured tide. The Clean Water Act applies below the high tide line. The Rivers and Harbors Act applies below the mean high water.

Section 7. Additional Information
Any additional information you provide helps the reviewer(s) understand your project and the other approvals or reviews that may be required.

Section 8. Site Restoration/Rehabilitation and Compensatory Mitigation
Site Restoration/Rehabilitation. For temporary disturbance of soils and/or vegetation in waterways, wetlands or riparian (streamside) areas, discuss how you will restore the site after construction. This may include the following:

- Grading plans to restore pre-existing elevations.
- Planting plans and species list (native species only) to replace vegetation in riparian or wetland areas.
- Maintenance and monitoring plans to document restoration to wetland condition and/or vegetation establishment.
- Associated erosion control for site stabilization.

Compensatory Mitigation. Describe your proposed compensatory mitigation approach, or explain why you believe compensatory mitigation is not required. If proposing permittee-responsible mitigation for permanent impact to wetlands, see OAR 141-085-0705 and 33 CFR 332.4(c) for plan requirements. For permanent impact to waters other than wetlands, see OAR 141-085-0765 and 33 CFR 332.4(c) for plan requirements.

Section 9. Adjacent Property Owners for Impact and Mitigation Site(s)
Names and addresses for properties that are adjacent to the project site and permittee responsible mitigation site (if applicable), are required. "Adjacent" means those properties that share or touch upon a common property line or are across the street or stream. If more than 5, attach pre-printed labels. A list of property owners may be obtained by contacting the county tax assessor's office.

Section 10. City/County Planning Department Land Use Affidavit
This section is required to demonstrate land use compatibility for removal fill permits and water quality certifications. Provide this form to your local planning official for them to complete and sign.

Section 11. Coastal Zone Certification
Your signature for this statement is required for projects within the coastal zone (generally, west of the summit of the Coast Range).

Section 12. Signatures
The application must be signed by the responsible party, landowner and agent, as identified in section 1.

Section 13: Attachments
Project Drawings. A complete application must include a location map, site plan, cross-section drawings and recent aerial photo. All drawings should be clear, legible and formatted for 8.5 by 11 printing. Use the fewest number of sheets necessary for your drawings or illustrations. While illustrations need not be professionally prepared, they should be clear, accurate, and contain all necessary information, as follows:

Location maps (with subject property identified):

- Location map with roads identified
- U.S.G.S. Topographic map
- Tax lot map (with subject tax lot(s) identified)

Site plan(s), including:

- Entire project site and activity areas
- Existing and proposed contours

- Location of ordinary high water, wetland boundaries or other jurisdictional boundaries (include wetland delineation report if not previously provided)
- Identification of temporary and permanent impact areas within waterways or wetlands
- Map scale or dimensions and north arrow
- Location of staging areas and construction access
- Location of cross section(s), as applicable
- Location of mitigation area, if applicable

Cross section drawing(s), including:
- Existing and proposed elevations
- Identification of temporary and permanent impact areas within waterways or wetlands
- Ordinary high water and/or wetland boundary or other jurisdictional boundaries
- Map scale or dimensions

Recent Aerial photo
- 1:200, or if not available for your site, highest resolution possible

DSL Wetland Concurrence (map and letter)